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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,040	12/10/2003	Douglas R. Dole	26978 USA	9198
23307	7590	06/09/2006	EXAMINER	
SYNNESTVEDT & LECHNER, LLP 2600 ARAMARK TOWER 1101 MARKET STREET PHILADELPHIA, PA 191072950			DUNWOODY, AARON M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,040

Applicant(s)

DOLE, DOUGLAS R.

Examiner

Aaron M. Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, and 7-12 is/are rejected.
- 7) ☒ Claim(s) 4-6, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4621840, Foster.

In regards to claim 1, in Figure 1 below, Foster discloses a coupling assembly for flexibly joining pipes (14, 16) to one another end to end and permitting relative axial, torsional and angular deflection between the pipes, the coupling assembly comprising:

a first ring (18) attachable to an end of one of the pipes, the first ring having an outer diameter greater than the pipe and an outwardly facing circumferential groove therein;

a first sealing member (30) positionable within the groove of the first ring and extending circumferentially therearound;

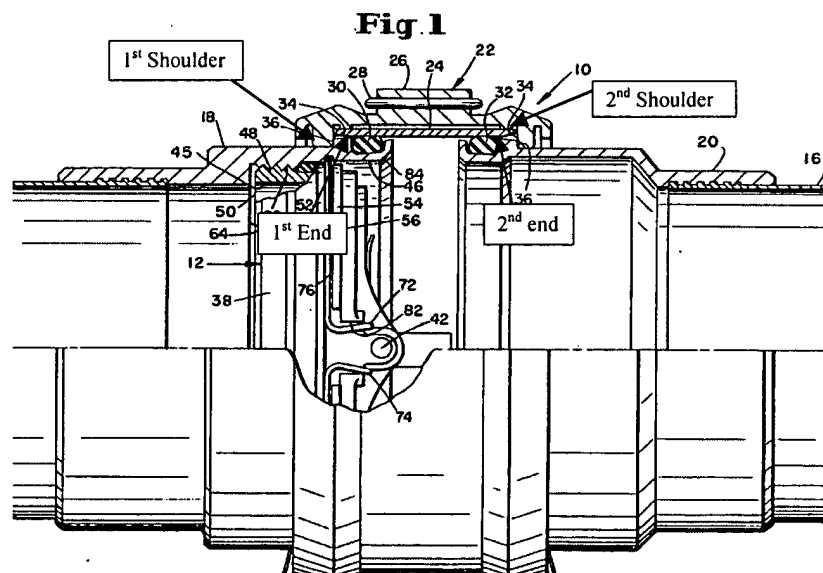
a second ring (20) attachable to an end of another of the pipes, the second ring having an outer diameter greater than the other pipe and an outwardly facing circumferential groove therein;

a second sealing member (32) positionable within the groove of the second ring and extending circumferentially therearound;

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a band (24) positionable in overlying relation with and surrounding the first and second rings, the band having an inwardly facing surface sealingly engageable with the first and second sealing members and having a width sufficient to allow a gap between the pipes; and

a housing (22) positionable in overlying relation with and surrounding the rings and radially spaced apart from the band, the housing having a pair of first shoulders positioned in spaced apart relation, each the first shoulders being engageable with one of the rings for limiting axial and angular deflection of one pipe relative to the other, and a pair of second shoulders each said shoulder being positioned on an opposite side of the band, each shoulder being engageable with an edge of the band for maintaining the band engaged with the sealing members.



In regards to claim 2, Foster discloses one of the rings having an inner diameter sized to receive the pipe end in substantially coaxial engagement.

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In regards to claim 3, Foster discloses the housing comprising a plurality of housing portions attachable to one another end to end to extend around the pipe ends.

In regards to claim 7, Foster discloses the rings being attached to the pipe ends by welding.

In regards to claim 8, Foster discloses the sealing members comprising O-rings.

In regards to claim 9, Foster discloses the band comprising a single piece.

In regards to claim 10, in Figure 1 above, Foster discloses a coupling flexibly joining pipes to one another end to end and permitting axial, torsional and angular deflection between the pipes, the coupling comprising:

- a first ring attached coaxially around an end of one of the pipes, the first ring having an outwardly facing circumferential groove therein;

- a first sealing member positioned within the groove of the first ring and extending circumferentially therearound;

- a second ring attached coaxially around an end of another of the pipes, the second ring having an outwardly facing circumferential groove therein;

- a second sealing member positioned within the groove of the second ring and extending circumferentially therearound;

- a band positioned coaxially surrounding the first and second rings, the band having an inwardly facing surface sealingly engaging the first and second sealing members and having a width sufficient to allow a gap between the pipes; and

- a housing coaxially surrounding the rings and the band, the housing being radially spaced apart from the band and having a pair of circumferential rims positioned

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in longitudinally spaced apart relation, each the rim extending radially inwardly and being in spaced relation with the pipes, the rims being engageable with the pipes upon angular deflection thereof for maintaining substantially coaxial, radially spaced relation between the housing and the band, the housing having a pair of first shoulders positioned in spaced apart relation facing one another, the rings being positioned between the first shoulders, each the first shoulder being engageable with one of the rings for limiting axial and angular deflection of one pipe relative to the other, and a pair of second shoulders, each said shoulder being positioned in spaced apart relation on an opposite side of the band, each shoulder being engageable with an edge of the band for maintaining the band engaged with the sealing members.

In regards to claim 11, Foster discloses the housing comprising a plurality of housing portions attached to one another end to end to extend around the pipes.

In regards to claim 12, Foster discloses fasteners attaching the housing portions to one another.

Allowable Subject Matter

Claims 4-6, 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

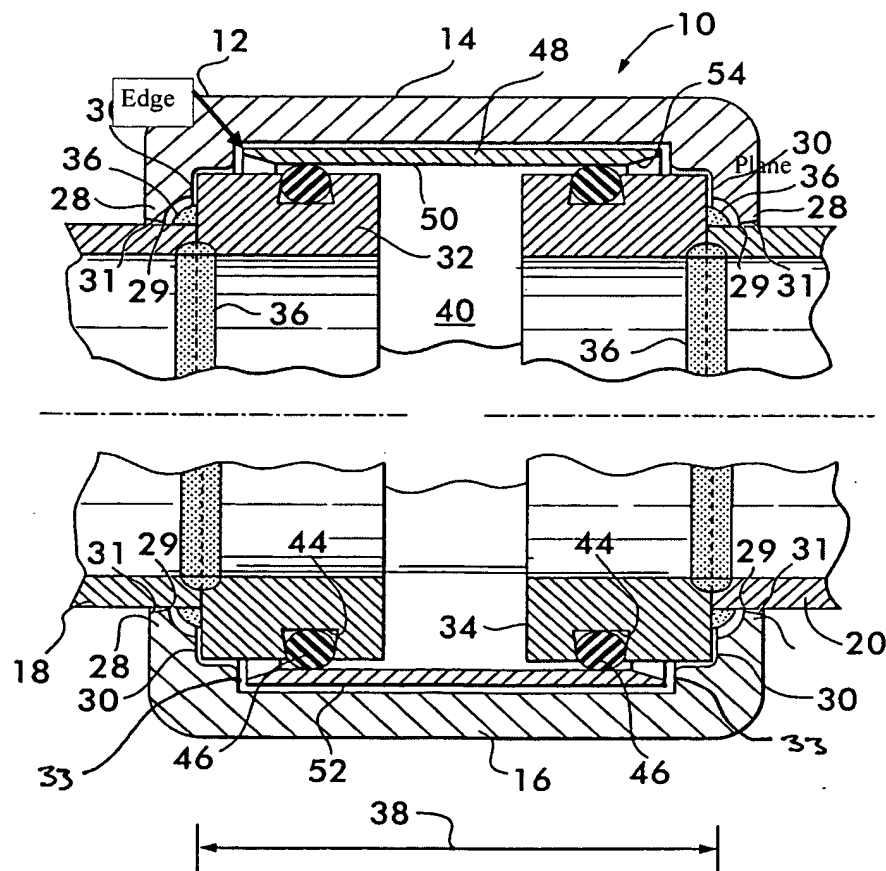
Response to Arguments

Applicant's arguments filed 3/27/2006 have been fully considered but they are not persuasive.

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Applicant argues that Foster does not disclose a pair of second shoulders each said shoulder being positioned on an opposite side of the band. The Examiner disagrees. In Figure 1 above, Foster clearly illustrates a pair of second shoulders each said shoulder being positioned on an opposite side of the band, meeting the claim limitation.

Applicant argues that Foster does not disclose each shoulder being engageable with an edge of the band. The Examiner disagrees. Applicant's Figure 1 discloses each shoulder being engageable with a plane of the band and not an edge (see Figure 4A of instant application).

**FIG. 4A**

An edge is:

3 : a line or line segment that is the intersection of two plane faces (as of a pyramid) or of two planes. [*Merriam-Webster Online Dictionary copyright © 2005 by Merriam-Webster, Incorporated*]

Therefore, Foster discloses each shoulder being engageable with an edge of the band in the same manner that the applicant's "edge" or plane is engagable with each shoulder.

Applicant argues that Foster does not disclose the rings being attached to the pipes by welding. The Examiner disagrees. Foster recites:

Coupling assembly 10 mainly comprises a pair of tubular coupling members or flanges 18 and 20 and a coupler unit 22. Coupling member 18 interfittingly and coaxially receives the adjacent end of tubular member 14 and is swagged or otherwise suitably fixed to tubular member 14 with a fluid-tight fit. Similarly, coupling member 20 interfittingly and coaxially receives the adjacent end of tubular member 16 and is swagged or otherwise suitably fixed to tubular member 16 with a fluid tight fit.

Therefore, Foster encompasses welding.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Aaron M Dunwoody
Primary Examiner
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